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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/047,860

Filing Date: January 15, 2002

Appellant(s): HIND ET AL.

\_\_\_\_\_  
Scott D. Paul  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on November 11, 2006 appealing from the Office action mailed August 7, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence relied upon in the rejections of claims under appeal:

McHenry et al., U.S. Patent Publication No. 2003/0115281 (hereinafter McHenry).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-7, 9-10, 13-14, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by McHenry et al. (U.S. Pub. No. 2003/0115281 A1).

As to claim 1, McHenry et al. discloses a database access system comprising:

a universal database connectivity driver having a first exposed interface through which access to a database server can be provided (See Figure 1, and page 3, paragraph 0030);

a database proxy driver registered with said universal database connectivity driver, said database proxy driver having a second exposed interface which conforms with said first exposed interface of said universal database connectivity driver, said database proxy driver having a

configuration for invoking at least one auxiliary task in addition to providing access to said database server through said first exposed interface of said universal database connectivity driver (See Figure 1, shows the network distribution, and see Figure 3, shows edge server caching and storing various database multi proxy agent); and

a database driven application programmatically linked to said database proxy driver (See page 4, paragraph 0040).

As to claim 2, McHenry et al. discloses wherein each of said universal database connectivity driver, database proxy driver and database driven application are disposed in an edge device in a computer communications network (See Figure 3, shows multi proxy stored as well as interfaces to network and to users in the edge device).

As to claims 4, 9 and 16, McHenry et al. discloses wherein said performing step comprises performing a database caching task (See Figure 2, 48/50, shows caching functionality, also see page 1, paragraph 0013).

As to claims 5, 10 and 17, McHenry et al. discloses further comprising:  
collecting meta-data *for* each received database connectivity request (See Figure 2, 30, shows management and collection of metadata); and,  
modifying operation of said auxiliary task based upon an analysis of said collected meta-data (See page 3, paragraph 0031).

As to claims 6, and 13, McHenry et al. discloses a machine readable storage medium stored thereon a computer program for providing database access, the computer program comprising a routine set of instructions for causing the machine to perform the steps of:

receiving a database connectivity request through a corresponding first exposed database connectivity method from a database driven application (See Figure 1, and page 3, paragraph 0030);

forwarding said database connectivity request to an underlying database connectivity driver through a corresponding second exposed method having a method prototype which matches a method prototype of said first exposed database connectivity method (See Figure 1, shows the network distribution, and see Figure 3, shows edge server caching and storing various database multi proxy agent, also see page 1, paragraph 0013, and page 3, paragraph 0032); and,

performing at least one auxiliary task in addition to forwarding said database connectivity request (See page 3, paragraph 0030, and page 3, paragraph 0032).

As to claims 7 and 14, McHenry et al. discloses performing each of the receiving, forwarding and performing steps in an edge device (See Figure 3, shows multi proxy stored as well as interfaces to network and to users in the edge device).

***Allowable Subject Matter***

4. Claims 3, 8, 11-12, 15, and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**(10) Response to Argument**

Appellant's remarks regarding claim objections are duly noted; however, they are moot since objections are petitionable and not appealable.

Appellant's arguments regarding the 35 USC 101 rejections directed to claims 6, and 13 is deemed to be persuasive hereby the rejections are withdrawn..

In response to Appellant's remarks that "Figure 4 applied in the rejection above does not exist in the '332 provisional application" is fully acknowledged but not deemed to be persuasive.

The text support for Figure 4 can still be found in Provisional Application 60/340,332 paragraph Figure 4 was used to depict use of a proxy to provide a generic application communication/access by connectivity to a database.

Subject matter of paragraph 0013 applied in the rejection above can be found in '332, paragraph 0013, referenced to teach "caching task".

Subject matter of paragraph 0030 applied in the rejection above can be found in '332 paragraph 0028, an over all description of McHenry's Figure 1, showing request/transfer connectivity between interfaced application and database, referenced to teach "request from database application through an interface".

Subject matter of paragraph 0031 applied in the rejection above can be found in '332 paragraph 0030, referenced to teach "modifying collected meta-data".

Subject matter of paragraph 0032 applied in the rejection above can be found in '332 paragraph 0026, referenced to teach "database connectivity interface matches".

In response to Appellant's argument that "the Examiner has failed to particular identify, within McHenry, the teachings that allegedly disclose each of the elements of the claimed invention" is fully considered but not deemed to be persuasive.

Firstly, there is no explicit recitation in the claims to any of the argued Appellant's Figure 1 (i.e. Application 160, Data Access Middleware Proxy 170, Database Access Middleware 180, Back End DB 190). Limitations appearing in the specification but not recited in the claim should not be read into the claim. Therefore, the claims appear to be generic at best to database drivers and proxies.

Figure 1 of McHenry shows an overview of an edge server 22 linked (depicted by two-way arrow indicating an interface) to origin servers 12 (1-N) (i.e. database servers), each with their attached content repository 14 (1-N) (i.e. database) as well as linked to metadata rules base 46 (i.e. database), and connectivity to clients (16/18).

Furthermore, as shown in Figure 3 of McHenry, the edge server 22 mitigates requests/transfers between clients 16/18 through one interface (i.e. first exposed interface) as well as connectivity to the origin servers on the Internet through another interface (i.e. second exposed interface) both depicted by two-way arrow indicating an interface.



It is of equivalent functionality; and in order to operate the send/receive of McHenry's edge server's that both sides of the server's communication interfaces must conform to effect communication.

Edge server 22 functions as a middle device holding rules base 68 and communicating with local cache (i.e. Appellant's local DB 155) to retrieve access information (i.e. auxiliary task). The auxiliary task in the case of McHenry is a caching task as explained in paragraph 0035:

The agent application 62 (i.e. Appellant's application 160) provides for the parsing of the current content policy rules base 68 as provided from the content director 30. The content policy rules base 68, when parsed, operates to define cache storage configuration (i.e. Appellant's configuration) and cache content locking policies.

McHenry's Figure 3 also shows Edge server 22, hosting Multi-Proxy requests and its associated multi-proxy agents 62 (i.e. Appellant's Data Access Middleware 180 and proxy 170) providing connectivity to origin servers residing on the Internet (i.e. Appellant's Back End DB 190). As supported by McHenry's description in paragraph 0029:

Each agent application preferably supports a network interface (i.e. universal connectivity interface and Appellant's Data Access Middleware 180) including a web server, to the clients 16, 18 to receive content requests and provide responsive content. Optionally, multiple agent application supporting separate network interfaces can be executed by an enterprise network edge server 22, 24 where discrete multi-proxy (i.e. database proxy driver and Appellant's Data Access Middleware proxy 170) caching of completely separate content is desired. In such cases, multiple multi-proxy caches 26, 28 are associated with the enterprise network edge server 22, 24.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2165

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Neveen Abel-Jalil

A handwritten signature in black ink, appearing to read "N. Abel-Jalil", written over a horizontal line.

January 19, 2007

Conferees:

Eddie Lee

Jeff Gaffin

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right, both written in a cursive style.